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REMARKS

Status of the Claims

Claims 1-20 (Canceled)

Claims 25, 26, 32, 39, 40, 42, 44, and 47-50 (Withdrawn)

Claims 27, 29, and 31 (Currently Amended)

Claims 21-24, 28, 30, 33-38, 41, 43, 45, and 46 (Withdrawn – Currently Amended)

Information Disclosure Statement

The Examiner has stated that the Information Disclosure Statement filed on October 21, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98, and MPEP § 609 because the dates for the U.S. Patent documents were omitted. Applicant is submitting with this response a new Form PTO-1449 with the dates for the U.S. Patent documents. The non-patent documents listed on the Form PTO-1449 were submitted previously. Applicant respectfully submits that the enclosed Form PTO-1449, along with Applicant's Information Disclosure Statement filed previously, complies with the provisions of 37 CFR 1.97, 1.98, and MPEP § 609.

Claim Rejections under 35 U.S.C. § 101

The Examiner has rejected the pending claims under 35 U.S.C. § 101 because the claimed invention is believed to be directed to non-statutory subject matter. It is the Examiner's position the claimed system consists solely of the manipulation of an abstract idea and is not concrete or tangible. The Examiner further states the invention

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in the body of the claim must recite technology. Applicant has amended the claims to indicate that information associating an individual's selection of a spending vehicle and a payment right is stored in and retrieved from a computer to facilitate processing of the individual's spending vehicle selection and payment from the governmental entity to the third party sponsor of the spending vehicle. In view of Applicant's amended claims, Applicant respectfully traverses the rejections.

Applicant has amended the claims to include a recitation of technology. Specifically, Applicant has amended the claims to indicate that information associating an individual's selection of a spending vehicle and payment right is stored in and retrieved from a computer to facilitate processing of the individual's spending vehicle selection and payment from the governmental entity to the third party sponsor. Support for the claims amendments may be found in the following passages from Applicant's specification:

- P. 2, II. 7-
14: The present invention is a system and method for associating payments with spending vehicles so that an individual who is entitled to receive periodic or special payments (e.g., Social Security checks, 401(k) distributions, dividend payments, tax refunds, etc.) may choose to receive in place of the payment a spending vehicle such as an e-card, a sponsor discount card, a sponsor rebate, or a sponsor coupon for use with purchases of the sponsor's products or services.
- P. 5, II. 18-
23: In step 20, if an intermediary such as a financial institution is the assignee of the right to payment, a portion or all of the payment may then be transferred to the sponsor or sponsors from which the individual selected the spending vehicle. In order to accomplish the transfer of funds, a third party payor may arrange to transfer the individual's payment to a sponsor or financial institution entitled to receive the individual's payment based on the assignment.
- P. 6, II. 5- Information regarding the arrangement between the individual 30 and sponsor 36 may then be communicated with the third party payor from whom the individual is entitled to receive a payment. Payment

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- 11: information 42 such as name and account information may be transferred from the sponsor 36 to the third party payor 38 so that the sponsor 36 receives the individual's payment 40 directly. The payor may use electronic funds transfer to accomplish the transfer so that it is not required to process a check or other form of payment to the individual.
- P. 7, II. 2-4: The spending vehicle may include a telephone number for an individual to call to activate the spending vehicle once the spending vehicle provider is assured of receipt of payment.
- P. 8, II. 21-
23: The financial institution 56 may then arrange to transfer to each participating sponsor 62, 68, 74 all or a portion of the individual's payment 78.
- P. 9, II. 11-
15: Payment information 108 provided by the financial institution 96 to the payor 104 may then be used to transfer the individual's payment 106 directly to the financial institution 96. An electronic funds transfer may be used to complete the transaction so the payor is relieved of the burden of processing a check payment to the individual.
- P. 10, II. 9-
12: The financial institution 116 receives the appropriate amount for the individual's payment 120 from the third party payor 118 after providing necessary payment information 112 to the payor 118. The payment information may include name and account information so that an electronic funds transfer may be completed.

As the above passages indicate, information regarding payments associated with spending vehicles is exchanged between spending vehicle sponsors and payors from whom individuals are entitled to receive payments (such as governmental entities or employers). Information regarding an individual's selection of a spending vehicle is associated with the individual's payment information so that funds are transferred according to the individual's request. For funds to be transferred from the payor (e.g., governmental entity) to the spending vehicle sponsor, it is necessary to have information regarding the individual's payment rights (from whom is the individual entitled to receive a payment?), the selected spending vehicle (which spending vehicle has the individual selected?), the sponsor of the spending vehicle (which sponsor

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offered the spending vehicle selected by the individual?), and the amount of the payment to be transferred to the sponsor (how much of the individual's payment should be transferred to the sponsor?). The payor requires payment information from the sponsor (or a financial institution that acts on behalf of the sponsor) so that an electronic funds transfer may be completed from the payor to the sponsor. The information may be used repeatedly to process regular or periodic payments which the individual is entitled to receive. Information regarding the selected spending vehicle is also stored and retrieved to allow the individual to activate the spending vehicle via the telephone.

Applicant respectfully submits the present invention meets the requirements of § 101 by producing a "useful, concrete and tangible result." *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998). It allows individuals who are entitled to payments from various entities to receive spending vehicles in exchange for an assignment of a payment right. The value of the spending vehicles may exceed the value of the payments the individuals are entitled to receive. Individuals as well as spending vehicle sponsors benefit from the present invention. The benefit to the individual is that the sponsor may offer buying power that exceeds the value of the payment. The benefit to the sponsor is that the individual spends his or her payment at the sponsor's business. Information regarding a individual (e.g. name and payment account information), a selected spending vehicle, a sponsor, a payment received by the individual, a payor of the payment received by the individual, dollar amounts related to the payment and the spending vehicle, and electronic funds transfer is collected and processed so that the spending vehicle may be issued by the sponsor to the individual in exchange for an

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assignment of the individual's payment right to the sponsor. Information is further shared with the payor so that the sponsor is paid according to the individual's request. The exchange of information has a specific, practical application and provides benefits to individuals and to spending vehicle sponsors.

Claim Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 27, 29, and 31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has noted that the phrase "one of said" in claim 27 is unclear. Applicant has amended the claims to delete the phrase "one of said." With respect to claim 29, the Examiner has noted it is unclear how the value makes the apparatus. Applicant has amended the claims to indicate that spending vehicles have an "amount for spending" by the individual. With respect to claim 31, the Examiner has noted it is not clear whether the claimed credit card is secure or unsecure. Applicant has amended claim 31 to provide only a list of spending vehicle types. Applicant respectfully submits claims 27, 29, and 31 as amended overcome the Examiner's rejections.

Conclusion

Applicant has amended the pending claims including withdrawn claims to emphasize how information between parties is exchanged to produce a "useful, concrete and tangible result" related to the issuance of spending vehicles from sponsors

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to individuals in exchange for an individual's payment from a payor to the sponsor.

Applicant respectfully submits that the present application is now in condition for allowance and respectfully requests such action.

Respectfully submitted,

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